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Attorneys for the Plaintiff

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

THOMAS KIM,

Plaintiff,

UNITED STATES OF AMERICA

Defendant.

Case No. 2:16-cv-0778-APG-CWH

**PLAINTIFF'S UNOPPOSED MOTION FOR
EXTENSION OF TIME TO RESPOND TO DEFENDANT'S
MOTION TO DISMISS PLAINTIFF'S COMPLAINT**

(FOURTH REQUEST)

Pursuant to Federal Rule of Civil Procedure ("FRCP") 6(b)(1)(A), Plaintiff respectfully requests that the Court extend by four business days, or until October 17, 2016, the time within which Plaintiff must respond to Defendant's motion to dismiss Plaintiff's Complaint. Presently,

1 Plaintiff's response is due today, October 11, 2016.¹ This is Plaintiff's fourth request for an
2 extension of time for the purpose set forth herein. Counsel for the United States, Katherine Foss,
3 Esq., previously indicated she has no opposition to Plaintiff seeking additional time to respond to
4 the government's motion to dismiss.

5 In support of this motion, Plaintiff relies upon the memorandum of points and authorities
6 set forth below.

7 **MEMORANDUM OF POINTS AND AUTHORITIES**

8 Federal Rule of Civil Procedure 6(b)(1)(A) permits a party to extend a deadline prior to
9 its expiration upon a showing of "good cause." The standard to be applied by a court under
10 FRCP 6(b)(1) is a liberal one in order to "effectuate the general purpose of seeing that cases are
11 tried on the merits." Ahanchian v. Xenon Pictures, Inc., 624 F.3d 1253, 1258-59 (9th Cir. 2010).
12 "Good cause is a non-rigorous standard that has been construed broadly across procedural and
13 statutory contexts." Id at 1259.

14 Undersigned counsel has nearly completed a response to the government's motion to
15 dismiss. While counsel expected to have timely filed the response today, due to another
16 competing case commitment, undersigned counsel was not able to do so. Specifically,
17 undersigned counsel was required to devote a significant portion of today preparing for a
18 physician's deposition tomorrow that was originally to be handled by another co-counsel in a
19 significant matter pending in state court. Due to unexpected developments involving scheduling
20 issues, undersigned counsel has been required to handle tomorrow's deposition. In requesting an
21 additional four days to file a response to the government's pending dispositive motion,
22 undersigned counsel is doing so with the expectation that no further extensions of time will be
23 sought.

24 _____
25 ¹ October 10, 2016 was a federal holiday.

CONCLUSION

Based upon the foregoing, undersigned counsel respectfully requests that the Court grant this motion.

Respectfully submitted,

/s/ Paul S. Padda

Paul S. Padda, Esq.

Attorney for Plaintiff

Dated: October 11, 2016

IT IS SO ORDERED:

Plaintiff's motion for a four day extension of time to respond to Defendant's dispositive motion (Pacer #10) is hereby granted. Plaintiff's response shall be due on or before October 17, 2016.



UNITED STATES DISTRICT JUDGE

October 12, 2016

DATED: _____

CERTIFICATE OF SERVICE

In compliance with the Court's Local Rules, the undersigned hereby certifies that on October 11, 2016 a copy of the foregoing document, "PLAINTIFF'S UNOPPOSED MOTION FOR EXTENSION OF TIME TO RESPOND TO DEFENDANT'S MOTION TO DISMISS PLAINTIFF'S COMPLAINT" was served (via the Court's CM/ECF system) upon all counsel of record.

/s/ Paul S. Padda

Paul S. Padda, Esq.